

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EUNICHOLAS JACKSON,

Plaintiff,

v.

EIRAKM ELMER, et al.,

Defendants.

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Case No. 6:20-cv-205-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Eunicholas Jackson, proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On February 3, 2021, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case without prejudice for failure to prosecute or to obey a Court order. Docket No. 17. In October 2020, Judge Mitchell ordered Plaintiff to file an amended complaint presenting a short and plain statement of his claims and using a standard § 1983 lawsuit form. Docket No. 16. Plaintiff never complied or otherwise responded. The Report was mailed to Plaintiff on February 3, 2021 but no objections have been received.¹

This Court reviews the findings and conclusions of the Magistrate Judge de


¹ Placing a letter in the United States mail creates a presumption that the letter reached its intended addressee in the usual time. *Faciane v. Sun Life Assurance Co.*, 931 F.3d 412, 420–21 & n.9 (5th Cir. 2019).

novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews his legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), *cert. denied*, 492 U.S. 918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 17) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED**, without prejudice, for want of prosecution and Plaintiff's failure to comply with a Court order.

So **ORDERED** and **SIGNED** this **12th** day of **April, 2021**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE